

**CALIFORNIA COASTAL COMMISSION**

South Coast Area Office  
200 Oceangate, Suite 1000  
Long Beach, CA 90802-4302  
(562) 590-5071

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Commission Action:



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**STAFF REPORT: REGULAR CALENDAR**

**APPLICATION NUMBER:** 5-03-288

**APPLICANT:** City of Los Angeles Department of Recreation & Parks

**AGENT:** Joel Alvarez, Project Manager

**PROJECT LOCATION:** 3200-3400 Ocean Front Walk, Venice, City of Los Angeles, Los Angeles County.

**PROJECT DESCRIPTION:** Improve and extend a public access path on the Ocean Front Walk right-of-way between Anchorage Street and Catamaran Street, including installation of: 1) a 10-foot wide permeable (decomposed granite) pathway, 2) signage to identify the walkway as a public accessway, 3) native coastal plants along the seaward side of the pathway, 4) an automated irrigation system, and 5) an underground electrical system and 36-inch high bollards for security lighting.

Project Area	17,274 square feet
Building Coverage	0 square feet
Pavement Coverage	0 square feet
Landscape Coverage	17,274 square feet
Parking Spaces	0
Zoning	OS-1XL (Open Space)
Plan Designation	Open Space – Coastal Accessway
Ht above final grade	36 inches (Bollards)

**LOCAL APPROVAL:** City of Los Angeles Public Works Dept., Approval in Concept.

**SUMMARY OF STAFF RECOMMENDATION**

Staff recommends that the Commission grant a permit for the proposed development with conditions related to protection of marine resources, public access and ongoing maintenance of the project site. Special Condition Two requires the City to extend the proposed public access

path to the next segment of improved walkway that already exists south of Catamaran Street. **See Page Two for the motion to approve the permit.**

### **SUBSTANTIVE FILE DOCUMENTS:**

1. City of Los Angeles certified Land Use Plan for Venice, 6/14/2001.
2. Commission Restoration Order No. CCC-02-RO-03 (City of Los Angeles), 12/10/2002.
3. Coastal Development Permit 5-01-263 (Venice Beach Renovation – L.A. Co. Dept. of Beaches & Harbors).

### **STAFF RECOMMENDATION:**

The staff recommends that the Commission adopt the following resolution to **APPROVE** the coastal development permit application with special conditions:

**MOTION:** *"I move that the Commission approve Coastal Development Permit 5-03-288 pursuant to the staff recommendation."*

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

#### **I. Resolution: Approval with Conditions**

The Commission hereby **APPROVES** a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

#### **II. Standard Conditions**

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.

2. Expiration. If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

### III. Special Conditions

#### 1. Permit Compliance

All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions. Any deviation from the approved plans must be submitted for review by the Executive Director to determine whether an amendment to this coastal development permit is required.

#### 2. Revised Plans - Connect Proposed Path to Next Segment of Ocean Front Walk

**PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit revised plans, for review and approval of the Executive Director, that provide for the extension of the proposed public access path to connect with the segment of improved Ocean Front Walk public walkway that already exists at the terminus of Catamaran Street. The permittee shall implement and carry out the revised plans as approved by the Executive Director.

#### 3. Public Access - Maintenance

By acceptance of this permit, the permittee agrees that the segment of Ocean Front Walk being improved is a public accessway, and that this accessway shall remain unobstructed and open for general public use. The permittee shall maintain this accessway and periodically inspect the walkway as part of the project. The permittee shall be responsible for expeditiously removing any and all private encroachments or other obstructions to public use of the accessway. The permittee shall also maintain the signs that identify the walkway as a public accessway.

#### 4. Trash Receptacles

The permittee shall ensure that trash receptacles and free provisions (e.g. refuse bags) for the proper disposal of pet feces are provided along the public accessway, at each street end (i.e. Anchorage Street, Buccaneer Street and Catamaran Street). The permittee shall be responsible for ensuring that the trash receptacles are maintained and routinely emptied in order to prevent spillage of refuse.

5. Protection of Marine Resources

**PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit a project staging and construction plan, subject to the review and approval of the Executive Director, that includes specific staging and construction measures sufficient to prevent the unpermitted deposition, spill or discharge of any liquid or solid into coastal waters. At a minimum, the plan shall include the following provisions:

- A. The storage or stockpiling of soil, silt, other organic or earthen materials, or any materials and chemicals related to the construction shall not occur where such materials/chemicals could pass into the water. Any spills of construction equipment fluids or other hazardous materials shall be immediately contained on-site and disposed of in an environmentally safe manner as soon as possible.
- B. Washout from concrete trucks shall be disposed of at a location not subject to runoff and more than fifty feet away from all stormdrains, open ditches and surface waters.
- C. All floatable debris and trash generated by construction activities within the project area shall be disposed of at the end of each day, or as soon as possible.
- D. All grading and excavation areas shall be properly covered and sandbags and/or ditches shall be used to prevent runoff from leaving the site, and measures to control erosion must be implemented at the end of each day's work.

The permittee shall implement and carry out the project staging and construction plan during all demolition and construction activities consistent with the plan approved by the Executive Director.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description and Background

The City of Los Angeles proposes to construct a beach front public access path on the Ocean Front Walk right-of-way between Anchorage Street and Catamaran Street (Exhibit #3). The project site, which is owned by the City of Los Angeles, was recently subject to Restoration Order No. CCC-02-RO-03 (City of Los Angeles) issued December 10, 2002. Pursuant to the Commission's Restoration Order, the City cleared the project site in July of several unpermitted

private encroachments (e.g., fences, hedges, lawn furniture, etc.) that had been placed on the City's land by the adjacent homeowners. As required, the City has restored the project site to its 1973 conditions: concrete, sand, turf and several tall palms.

Now, the City proposes to remove the concrete and turf, and improve the project site with the proposed ten-foot wide public access path (decomposed granite surface), peeler logs to control erosion, signage to identify the walkway as a public accessway, safety lighting and landscaping (Exhibit #3). The proposed public access path is situated on the inland side of the City's property, which abuts the private residences. Native coastal plants are proposed to be planted along the seaward side of the pathway, in the area situated between the proposed path and the Washington Boulevard/Venice Pier public beach parking lot. The proposed project also includes an automated irrigation system and an underground electrical system for the security lighting provided by 36-inch high bollards.

The proposed project, as conditioned, would complete the missing segment of the Venice Boardwalk that does not currently exist between Anchorage Street and Catamaran Street. The existing concrete boardwalk currently extends uninterrupted from Santa Monica south through North Venice until it terminates at Anchorage Street and the project site (Exhibit #3, p.1). The next segment of the currently improved concrete walkway exists at the terminus of Catamaran Street (Exhibit #3, p.2). The proposed project, as conditioned, would connect two existing segments of the Venice Boardwalk in the project area.

## **B. Recreation and Public Access**

One of the basic goals stated in the Coastal Act is to maximize public access and recreation along the coast. The proposed project would improve Venice Boardwalk and would therefore improve the public's ability to access and enjoy Venice Beach and its recreational opportunities. Special Condition Two is necessary to ensure that the proposed project provides a complete connection between the existing portions of the Venice boardwalk situated immediately upcoast and downcoast of the project site (Exhibit #3). Special Condition Three is necessary to ensure that the public access and recreational benefits provided by the proposed project are maintained after completion of the proposed project. The proposed project, as conditioned, conforms with the following Coastal Act policies which protect and encourage public access and recreational use of coastal areas.

Section 30210 of the Coastal Act states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211 of the Coastal Act states:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30213 of the Coastal Act states:

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

Section 30220 of the Coastal Act states:

Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

Section 30221 of the Coastal Act states:

Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

The proposed project, as conditioned, also conforms with the following policies of the certified Venice Land Use Plan (LUP). The certified Venice LUP identifies the project area as "Open Space", where public recreation facilities are permitted and encouraged.

- **Policy II. C. 5. Ocean Front Walk.** It is the policy of the City to complete a continuous public pedestrian walkway that extends from the boundary with City of Santa Monica to the Marina del Rey entrance jetty as indicated on Exhibit 19. Ocean Front Walk shall be preserved and enhanced for public access including but not limited to improvements, such as repaving and landscaping along Ocean Front Walk, development of a pedestrian plaza along Washington Boulevard and provision of landscaping and decorative treatments at Windward Avenue as outlined in the 1995 Venice Beach Ocean Front Walk Refurbishment Plan.
- **Policy III. A. 1. General.** New recreational opportunities should be provided, and existing recreational areas, shown on Exhibits 19a through 21b, shall be protected, maintained and enhanced for a variety of recreational opportunities for both residents and visitors, including passive recreational and educational activities, as well as active recreational uses.
  - a. Recreation and visitor-serving facilities shall be encouraged, provided they retain the existing character and housing opportunities of the area, and provided there is sufficient infrastructure capacity to service such facilities.

- b.** Acquisition, expansion and improvement of parks and facilities throughout the Venice Coastal Zone shall be encouraged and accelerated, subject to the availability of funds.
- c.** Where feasible and compatible with the surrounding neighborhood, recreational uses shall be located in conjunction with other new public facilities, such as public parking lots.
- d.** Recreation facilities shall be refurbished and constructed to maximize recreational opportunities.
- e.** Beach Hours: Public access and recreational opportunities on the sandy beach shall be protected and encouraged. Any limitations to public access, including changes to the hours of operation, shall be subject to a coastal development permit.

One of the basic goals stated in the Coastal Act is to maximize public access to the shoreline. Section 30120 of the Coastal Act requires that maximum public access be provided for the public. The proposed project will improve the public access system and thus improve the public's ability to access and enjoy Venice Beach. The lack of the proposed project, however, would continue to adversely affect pedestrian access south of Washington Boulevard in the vicinity of the Washington Boulevard/Venice Pier public beach parking lot. The pedestrian access route currently used by pedestrians walking on the boardwalk south of Washington Boulevard includes walking on the inland portion of the public parking lot (a vehicular lane) to bypass the unimproved segment of the boardwalk (i.e., the project site). The public's use of the boardwalk between Anchorage Street and Catamaran Street was obstructed, until recently, by a series of unpermitted private yards and fences that encroached onto and over the Ocean Front Walk right-of-way. The City has removed these encroachments, but public access has not yet been restored to the City property as called for by the certified Venice LUP.

The certified Venice LUP describes the boardwalk, and the obstructions (encroachments) to public access that existed at the project site, immediately inland of the Washington Boulevard/Venice Pier public beach parking lot, as follows:

*"The contiguous (north/south) beach boardwalk (Ocean Front Walk) that extends south from Santa Monica terminates near the Venice Pier, and therefore does not provide pedestrian access southward to the underutilized Marina Peninsula beaches. A City right-of-way exists for the future extension of Ocean Front Walk, but it is currently not improved south of Anchorage Street (except for a few short segments). In addition, private residential encroachments have been built over several portions of the Ocean Front Walk right-of-way on the Marina Peninsula."*

The certified Venice LUP calls for the removal of these encroachments and the opening of public access on the boardwalk. The LUP states that the removal of the encroachments shall occur at the same time that the Washington Boulevard/Venice Pier public beach parking lot is improved. Policy III.B.3 of the certified Venice LUP, with relevant text highlighted, states:

- **Policy III. B. 3. Venice Pier Parking Lot.** The public beach parking lot located south of Venice Pier may be renovated and improved in its current location, but shall not be expanded outside of its 1982 footprint. **Any private encroachments over the portion of the Ocean Front Walk right-of-way abutting this parking lot shall be removed concurrently with the improvement of the parking lot in order to restore public pedestrian access to the Ocean Front Walk right-of-way.** The placement of riprap or other hard shoreline protection device on the beach between the parking lot and the sea shall be discouraged. The operation and any improvements to this parking lot shall be consistent with the water quality and public access policies of this LUP.

The County of Los Angeles had proposed, as part of Coastal Development Permit 5-01-263, to improve the public parking lot that abuts the project site. The Commission delayed the proposed Washington Boulevard/Venice Pier parking lot improvements until such time as public access can be restored to the public land (Ocean Front Walk right-of-way and beach) that abuts the inland edge of the parking lot (Condition No. 1.D of Coastal Development Permit 5-01-263).

Therefore, the completion of the public access path is consistent with the requirements of the Coastal Act and the policies of the certified Venice LUP, and would also allow the County to apply for the proposed improvements to the abutting public beach parking lot. In order to ensure that public access and recreational opportunities are protected, the permit is conditioned to require the applicant to maintain the accessway and periodically inspect the walkway as part of the project. The permittee shall be responsible for expeditiously removing any and all private encroachments or other obstructions to public use of the accessway. Signs shall identify the walkway as a public accessway. The proposed public access improvements, in order to provide maximum public access, must provide a complete connection between the existing portions of the Venice boardwalk situated immediately upcoast and downcoast of the project site (Exhibit #3). Only as conditioned is the proposed project consistent with the public access and recreation policies of the Coastal Act and the certified Venice LUP.

### **C. Marine Resources and Water Quality**

The proposed work will be occurring in a location where there is a potential for a discharge of polluted runoff from the project site into coastal waters. The storage or placement of construction material, debris, or waste in a location where it could be carried into coastal waters would result in an adverse effect on the marine environment. To reduce the potential for construction and post-construction related impacts on water quality, the Commission imposes special conditions requiring, but not limited to, the appropriate storage and handling of construction equipment and materials to minimize the potential of pollutants to enter coastal waters and for the use of on-going best management practices following construction (e.g., the provision of trash receptacles and refuse bags for the proper disposal of pet feces). As conditioned, the Commission finds that the development conforms with Sections 30230 and 32031 of the Coastal Act.

**D. Development**

The development is located within an existing developed area and, as conditioned, will be compatible with the character and scale of the surrounding area, has been designed to improve scenic resources, and will avoid cumulative adverse impacts on public access. Therefore, the Commission finds that the development, as conditioned, conforms with Sections 30250, 30251, 30252, 30253 and the public access provisions of the Coastal Act.

**E. Protection of Recreation Areas**

The development will not result in significant degradation of any adjacent recreation areas or parks and is compatible with the continuance of any such recreation and park areas that exist. Therefore, the Commission finds that the project, as conditioned, conforms with Section 30240(b) of the Coastal Act.

**F. Local Coastal Program**

The proposed project is located at Venice Beach within the incorporated municipality of the City of Los Angeles. The Commission has not certified a Local Coastal Program (LCP) for this part of the City. Therefore, the coastal development permit that is required for the proposed development must be obtained from the Commission.

Coastal Act section 30604(a) states that, prior to certification of a local coastal program ("LCP"), a coastal development permit can only be issued upon a finding that the proposed development is in conformity with Chapter 3 of the Act and that the permitted development will not prejudice the ability of the local government to prepare an LCP that is in conformity with Chapter 3. The City of Los Angeles Land Use Plan (LUP) for Venice was effectively certified on June 14, 2001. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and the certified Venice LUP. Approval of the project, as conditioned, will not prejudice the ability of the local government to prepare an LCP that is in conformity with the provisions of Chapter 3 of the Coastal Act.

**G. California Environmental Quality Act (CEQA)**

Section 13096 Title 14 of the California Code of Regulations requires Commission approval of a coastal development permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The proposed project, as conditioned, has been found consistent with the Chapter 3 policies of the Coastal Act. All adverse impacts have been minimized by the recommended conditions of approval and there are no feasible alternatives or additional feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project as conditioned can be found consistent with the requirements of the Coastal Act to conform to CEQA.

End/cp